

**Johnson, Jere**

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**From:** Jere Johnson [[Johnson.Jere@epamail.epa.gov](mailto:Johnson.Jere@epamail.epa.gov)]  
**Sent:** Wednesday, May 15, 2013 5:00 PM  
**To:** Johnson, Jere  
**Subject:** Fw: 104 (e)

Jere Johnson  
 Remedial Project Manager (SFD 8-2)  
 U.S. Environmental Protection Agency  
 75 Hawthorne Street  
 San Francisco, CA 94105  
 415.972.3094 (direct)  
 415.947.3526 (fax)

If I don't respond to a message, I may be out of the office.

Security settings do not permit my "Out of Office" automatic e-mail response to be shared outside of EPA.

----- Forwarded by Jere Johnson/R9/USEPA/US on 05/15/2013 05:00 PM -----

From: Daan Eggenberger <[daaneggenberger@sbcglobal.net](mailto:daaneggenberger@sbcglobal.net)>  
 To: Jere Johnson/R9/USEPA/US@EPA,  
 Cc: "Alexander (Reid) McDonough" <[Alexander.McDonough@reid.senate.gov](mailto:Alexander.McDonough@reid.senate.gov)>, "Anton G. Kuhl" <[nevada.k@inbox.com](mailto:nevada.k@inbox.com)>, Jared Blumenfeld/R9/USEPA/US@EPA, [bwesnergoldhill@sbcglobal.net](mailto:bwesnergoldhill@sbcglobal.net), Bruce Holmgren <[bholmgre@ndep.nv.gov](mailto:bholmgre@ndep.nv.gov)>, "billandpegine@hotmail.com" <[billandpegine@hotmail.com](mailto:billandpegine@hotmail.com)>, [chair639@sonic.net](mailto:chair639@sonic.net), [cripps@ndep.nv.gov](mailto:cripps@ndep.nv.gov), Glenn C Miller <[glennm@unr.edu](mailto:glennm@unr.edu)>, Jenny Coyle <[jencoyle@sbcglobal.net](mailto:jencoyle@sbcglobal.net)>, Robin Cobbey <[cobbey@cobbey.com](mailto:cobbey@cobbey.com)>, Comstock Residents <[comstockresidents@gmail.com](mailto:comstockresidents@gmail.com)>, [daaneggenberger@sbcglobal.net](mailto:daaneggenberger@sbcglobal.net), jon eggenberger <[joneggenberger66@hotmail.com](mailto:joneggenberger66@hotmail.com)>, [GingColtrin77@aol.com](mailto:GingColtrin77@aol.com), [gnd540@nanosecond.com](mailto:gnd540@nanosecond.com), "Anton G. Kuhl" <[nevada.k@inbox.com](mailto:nevada.k@inbox.com)>, Lorraine McDaniels <[ghlorraine@yahoo.com](mailto:ghlorraine@yahoo.com)>, "rmginger@charter.net" <[gingerm@charter.net](mailto:gingerm@charter.net)>, John Hadder <[john@gbwr.org](mailto:john@gbwr.org)>, LisaP Jackson/DC/USEPA/US@EPA, [johnmarshall@charter.net](mailto:johnmarshall@charter.net), [jrcollins@ndep.nv.gov](mailto:jrcollins@ndep.nv.gov), Joe McCarthy <[1200paydirt@gmail.com](mailto:1200paydirt@gmail.com)>, Larry Wahrenbrock <[nevadabead@aol.com](mailto:nevadabead@aol.com)>, Lorraine McDaniels <[ghlorraine@yahoo.com](mailto:ghlorraine@yahoo.com)>, Martin Lane <[martinlane@gmail.com](mailto:martinlane@gmail.com)>, "Alexander (Reid) McDonough" <[Alexander.McDonough@reid.senate.gov](mailto:Alexander.McDonough@reid.senate.gov)>, [Mark@markmausertlaw.com](mailto:Mark@markmausertlaw.com), Michael Weiss <[mhweiszz3@gmail.com](mailto:mhweiszz3@gmail.com)>, [PLiebendor@aol.com](mailto:PLiebendor@aol.com), [PYandre@aol.com](mailto:PYandre@aol.com), Barbara Peck <[bpecknv@yahoo.com](mailto:bpecknv@yahoo.com)>, [stingrey1@att.net](mailto:stingrey1@att.net), [squeek steele@squeek@goodoldsongs.com](mailto:squeek steele@squeek@goodoldsongs.com), Yvonne Sullivan <[sulligirl61@yahoo.com](mailto:sulligirl61@yahoo.com)>, David Toll <[david@nevadaweb.com](mailto:david@nevadaweb.com)>, [wmap@igc.org](mailto:wmap@igc.org), [wtcleaves@sbcglobal.net](mailto:wtleaves@sbcglobal.net), Michael Weiss <[mhweiszz3@gmail.com](mailto:mhweiszz3@gmail.com)>, [xtra@shastaguides.com](mailto:xtra@shastaguides.com)  
 Date: 02/23/2012 07:18 AM  
 Subject: 104 (e)

Good Morning Jere,

After another lovely day of reading toxic law torts I woke up at 3:30 AM and began to wonder why the 104 (e) Letter of Inquiry to Comstock Mining was so limited in scope. It seems that a normal letter (attached) has 25 points of inquiry. I request a timely explanation of why your letter did not require a more complete response by CMI. One could construe, this action by EPA was more designed to calm the public as opposed to requiring a substantive exploration of wrongdoing in Gold Canyon.

The French Gulch Nevada Mining Corporation / Peter Martin Khun investigation was minor compared to what's been allowed to happened in Gold Canyon and should be used as a point of reference.

There are also new technological innovations in searching for hazardous materials that are not being employed or requiring to be employed by NDEP in the CRMS. Perhaps we could look at that when we have a full seat at the table. As I write, CMI has begun a new round of road construction and drilling in Gold Canyon. We have, formally asked for injunctive relief and nothing has been done. We had hoped EPA would initiate an immediate response as opposed to us having to file A Citizen Suit under CERCLA/RCRA, and that we would become partners as opposed to adversaries.

Friends of the Comstock / Daan Eggenberger

# Superfund: CERCLA Section 104(e) Information Request Questions - Owner/Operators - Mining Processes

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## General

1. Provide a description of all activities (e.g., mining, milling, smelting, chemical production), conducted by \_\_\_\_\_ or its predecessors at the site.
2. Identify all locations within the site boundaries where the activities identified in question above were conducted, and dates of operations of all such activities.
3. Provide copies of the mine plans and process flowsheets used.
4. Provide records on the dewatering of the mines that provide specific information on pump rates, pump station locations, pump sizes, and changes in aquifer piezometric heads.
5. Provide a description of any reprocessing and recovery operations at chat piles.
6. Identify the locations of all chat piles that have been reprocessed.
7. Identify the volume/tonnage of ore produced by the company or its predecessors at each location, listed by year of operation and by the company that was operating.
8. Provide copies of the mine plans and maps and process flow sheets used, at any and all mines, mills, or smelters at the Site. This request specifically includes the mine plans and maps including borehole locations contained on microfiche (reproduction of the actual microfiche film is requested) located at the U.S. Bureau of Mines Offices at the Denver, Colorado Federal Center.
9. Identify all persons directly involved in overseeing activities in the Mining District, including Respondent's employees, and former employees who have knowledge, information or documents about the mining, milling or smelting, or any related activities at the Site.
10. Provide a description of any reprocessing and recovery operations for any surface mine wastes, including the location or former location of all chat piles that have been reprocessed at the Site.
11. Identify and provide any information you have regarding any mining activities at the Site. Include any boring activities, boring logs, mining, milling or smelting activities, ore production records, processing or reprocessing contracts, and records of wastes produced from milling, mining or smelting activities at the Site. Provide copies of the mine plans and maps and process flow sheets used, at any and all mines, mills, or smelters at the Site.

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## Physical Characteristics of the Site

12. Identify and describe the chemical characteristics of chat piles, slag piles, and tailing ponds, and any other surface mine wastes and ground water or surface water analysis: including copies of all current and historical results of analyses performed and the sampling locations of all such samples for the Site.
13. Provide copies of all current and historical laboratory or field analyses of the water quality of the aquifers, mine water, surface water, tailing pond discharges and receiving streams, air quality and soil

quality, including sampling locations of all such samples for the Site.

14. Provide copies of data (e.g., drillhole and/or boring logs, geologic reports) regarding the Site that describe the geohydrology, structure and mineralogy of the rock formations ore bodies, and minerals, including data that characterize the Site geology (e.g., faults, fracture zones, extent of ore bodies); ground water (e.g., piezometric surfaces, transmissivity, locations of major water inflows to mines); and surface water (e.g., gain or loss to ground water, industrial water treatment processes).

15. Provide copies of all current and historical laboratory or field analyses of the water quality of the aquifers, mine water, surface water, tailing pond discharges and receiving streams, air quality and soil, including the sampling locations of all such samples.

16. Identify the physical and chemical characteristics of chat piles, slag piles, and tailing ponds, including copies of all current and historical results of analyses performed on these structures and the sampling locations of all such samples.

17. Provide copies of data (e.g., drillhole logs, geologic reports) that describe the geohydrology, structure and mineralogy of the rock formations and ore bodies, including data that characterize the area geology (e.g., faults, fracture zones, extent of ore bodies); ground water (e.g., piezometric surfaces, transmissivity, locations of major water inflows to mines); and surface water (e.g., gain or loss to ground water, industrial water treatment processes).

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### **Ownership / Leases / Corporate Minutes**

18. Identify and describe any portion of the Site or assets at the Site owned, operated, leased, or mined or explored by the Respondent, and the dates during which the Site was owned operated, leased, mined, or explored, including areas where borings were taken and provide copies of all documents evidencing or relating to such ownership, operation, or lease, including but not limited to purchase and sale agreement, royalty payments, deeds, and leases including mining leases, and gravel and tailings leases.

19. Provide a list of customers (e.g., smelters, mills, governments and industries) the Respondent had dealings with, during the years the Respondent had dealings with, during the years the Respondent had property interests, mine leases, assignments, agreements or arrangements with landowners, at the Site; whether or not mining took place during those years.

20. Provide copies of minutes of meetings of Corporate Directors, for all the years during which the Respondent (or Respondent's predecessor) held assets at or property interests in the Site; whether or not mining took place during those years.

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### **Mines / Tailings**

21. Provide a description and copies of all records maintained by the Respondent for operations at the Site. Including any records on royalties paid or received from mining activities at the Site.

22. Provide any information and copies of documents in your possession regarding ore production from [DATE] through the present at the Site, including volume/tonnage; listed by year of operation, and the mine and district at which the minerals were produced. Include any information in your possession which may have been filed with or received from the U.S. Bureau of Mines, regarding your company or any other company that held assets at or property interests in the Site.

23. Provide any records on the dewatering of the mines at the Site that provide specific information on pump rates, pump station locations, pump sizes and changes in aquifer piezometric heads, at any and all of the mines at the Site.

24. Identify, describe and provide copies of any documents identifying the location and boundaries (whether exact or not) of mining districts and/or individual mines located within a Site.

25. Provide a description and copies of all records maintained by the Respondent for operations at the Site. Including any records on royalties paid or received from mining activities at the Site.

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<http://www.epa.gov/compliance/resources/publications/cleanup/superfund/104e/oo-mining.html>

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